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PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
 TRUMAN A. HERRON 1935-1976  
 EDWARD B. EVANS 1936-1971

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February 17, 2004

## FACSIMILE COVER SHEET

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To: Examiner Thu Ha T. Nguyen  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22213-1450

From: Scott A. Stinebruner  
 Reg. No. 38,323

FEB 17 2004

Fax: 703-872-9306

Re: U.S. Patent Application  
 Serial No. 09/697,398  
 Filed: October 27, 2000  
 Applicant: Robert Miller et al.  
 Art Unit: 2155  
 Confirmation No.: 2827  
 Our Ref: IBM/164

Enclosures:

Fax Cover Sheet containing Certificate of  
 Facsimile Transmission  
 Transmittal containing Certificate of  
 Facsimile Transmission and Authorization  
 to Charge Deposit Account 23-3000 in the  
 amount of \$258.00  
 Amendment and Response

Pages: 17 (including cover sheet)

MESSAGE/COMMENTS  
OFFICIAL

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (17 total pages) are being transmitted via facsimile transmission to Examiner Thu Ha T. Nguyen, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on February 17, 2004.

*Judith L. Volk*  
 Judith L. Volk

*February 17, 2004*  
 Date

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**PATENT**Att'y Docket No. IBM/164/124  
Confirmation No. 2827**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Judith L. Volk  
Judith L. Volk

February 17, 2004  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert Miller et al. Art Unit: 2155  
Serial No.: 09/697,398 Examiner: Thu Ha T. Nguyen  
Filed : October 27, 2000  
For : GROUP DATA SHARING DURING MEMBERSHIP CHANGE IN  
CLUSTERED COMPUTER SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

| Fee:                         | Number of Claims After Amendment: |       | Previously Paid For: | No. Extra: | At Rate: | Amount:         |
|------------------------------|-----------------------------------|-------|----------------------|------------|----------|-----------------|
| Total Claims                 | 24                                | minus | 24                   | 0          | \$18     | \$0.00          |
| Independent Claims           | 9                                 | minus | 6                    | 3          | \$86     | \$258.00        |
| MULTIPLE DEPENDENT CLAIM FEE |                                   |       |                      |            | \$290    | \$0.00          |
| <b>TOTAL FEE FOR CLAIMS:</b> |                                   |       |                      |            |          | <b>\$258.00</b> |

- ☐ No additional fee for claims is required.

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☒ Please charge my Deposit Account No. 23-3000 in the amount of **\$258.00**.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

|                          | <u>Ext. Mos.</u> | <u>Large entity</u> | <u>Small entity</u> |
|--------------------------|------------------|---------------------|---------------------|
| <input type="checkbox"/> | one month        | \$ 110.00           | \$ 55.00            |
| <input type="checkbox"/> | two months       | \$ 420.00           | \$ 210.00           |
| <input type="checkbox"/> | three months     | \$ 950.00           | \$ 475.00           |
| <input type="checkbox"/> | four months      | \$1,480.00          | \$ 740.00           |
| <input type="checkbox"/> | five months      | \$2,010.00          | \$1,005.00          |

Extension fee due with this request:

\$

Method of Payment:

Check enclosed in the amount of \$

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

OR


- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:



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**Enclosed:**

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FEB 17 2004

Applicant: Robert Miller et al.

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For: GROUP DATA SHARING DURING MEMBERSHIP CHANGE IN  
CLUSTERED COMPUTER SYSTEMAMENDMENT AND RESPONSECommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated November 20, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

09697398

Page 1 of 14  
Serial No. 09/697,398  
Amendment and Response dated February 17, 2004  
Reply to Office Action of November 20, 2004  
IBM Docket ROC920000129US1  
WH&E IBM/164  
K:\ibm\164\Amendment and Response to 11-20-03 OA.wpd

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01 FC:120